

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JACOB HOWELL,

Petitioner

v.

J. CASTANEDA,

Respondent

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CIVIL NO. 1:12-CV-2341

(Judge Rambo)

(Magistrate Judge Carlson)

ORDER

AND NOW, this 6th day of November, 2014, **IT IS HEREBY**

ORDERED THAT:

1) The court adopts the October 14, 2014 report and recommendation of Magistrate Judge Carlson (Doc. 16).

2) The petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 is **DENIED** as to the issues of the Bureau of Prisons' failure to hold a timely DHO hearing and the Bureau of Prisons' failure to provide a staff representative at that hearing.

3) The Clerk of Court shall close the file.

4) The court declines to issue a certificate of appealability on the issues of a timely hearing and staff representative.

5) The court grants a certificate of appealability on the issue of whether the DHO has an obligation to consider and address exculpatory evidence in a disciplinary hearing.

s/Sylvia H. Rambo
United States District Judge